

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/028,574 Conf. No.: 3288
Inventor: Singh
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Examiner: Van Handel, Michael P
Docket No.: US010554 (PHB-10-6128)
Customer No.: 24737

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

May 12, 2008

REPLY BRIEF

Dear Sir:

In response to the Examiner's Answer mailed March 19, 2008, please reconsider the above-identified application in view of the following comments:

REMARKS/ARGUMENTS

Independent Claims 1, 8, 15 and 22

The Examiner's Answer states that the Office maintains its position regarding Harrison teaching "the at least one script is executable by the shell to select broadcast programming for demodulation from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria" as recited in the claims. However, the Office again fails to support this position.

More particular, the Office states "that scripts are sequences of commands composed of textual indicia, because scripting languages are high-level programming languages that must be interpreted or complied into binary machine language to be executed." (See Examiner's Answer, page 19, first paragraph). However, the Office never shows where in Harrison that the profile unit 260 (which the Office incorrectly asserts teaches the claimed script) **must be interpreted or complied into binary machine language to be executed**, let alone executable by the shell to select broadcast programming for demodulation from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria. This is because Harrison does not teach or suggest an executable script as recited in the claims under the Office's proffered definition or otherwise.

In contrast, the Office provides that the SPSU includes a plurality of tuning units 200 for receiving audio and video signals (See Examiner's Answer, page 16, second paragraph), that the tuning units receive and demodulate video signals for display (See Examiner's Answer, page 16, second paragraph), and that a user editable profile unit 260 stores profile information that includes a prioritized list of predefined channels and channel data that specify items of interest to be monitored by the tuning units 200 (See Examiner's Answer, page 17). The Office then goes on to assert that Figs. 3A and 3B, which show the profile unit 260, teach the above-noted claim aspect. (See Examiner's Answer, page 17). However, none of the above-cited sections teaches or suggests that the profile unit 260 is interpreted or compiled to be executed and, as noted above, the Office states that such action "must" occur in order for the profile unit 260 to be an executable script.

The Office concludes by stating that the user specified "channel text" in the profile unit 260 shown in Figs. 3A and 3B "commands" the tuners to tune certain channels and thus Harrison discloses executing scripts as claimed. (See Examiner's Answer, page 19, second paragraph). However, the "channel text" in the profile unit 260 does not "command" the tuning units 200. As conceded by the Office, the "channel text" is simply a prioritized list of channels. (See Examiner's Answer, page 17). The Office also concedes that other information in the profile unit 260 relates to post-demodulation of the video signals. (See Examiner's Answer, page 17).

In view of the above, applicants respectfully request reversal of the subject rejection.

Claim 5

With respect to claim 5, the Examiner's Answer asserts that it would have been obvious to modify Harrison to include storing only coupons as taught by Kitsukawa et al. in order to provide potential customers with product information and incentive to purchase. However, claim 5 recites that the at least one script, when executed by the shell, controls operation of the video receiver to cause broadcast only of commercials that provide sales information as private data along with broadcast program content. As such, the claim 5 requires that the broadcasted commercials provide sales information ***as private data*** along with broadcast program content. The Office never shows where this limitation is met by a combination of Harrison and Kitsukawa et al. Instead, the Office states that Kitsukawa et al. provides coupon information along with broadcasts of associated television programs, ignoring that the subject claim requires that the commercials provide sales information ***as private data*** along with broadcast program content. (See Examiner's Answer, page 22, second paragraph). Accordingly, the rejection of claim 5 should be reversed.

Other Claims

The rejections not addressed above should be reversed for the reasons set forth in the Appeal Brief.

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Reply to Examiner's Answer Dated: March 19, 2008

CONCLUSION

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record, and reversal of the rejection of the claims is respectfully requested.

Respectfully submitted,

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